With file Contents vol 44 - 44 (17-18) also

App F IX 4

*Previous References* ( 1945-46 Final )

File No 44-45

Serial Nos 7, 8

*Later References*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos*

-To-

Part B for Secretary

SUBJECT

Re election to fill up a vacancy in the Hunsur Town and of

A 64455 & 18/1st Class

Re---- Compiling, ratifying, the appointment of Mr H. Narayanaswamy Chetty elected as a member of the Town Municipal Council, Hunsur

K

7582

Letter no 309-9, dated 12.3.45, from the Registrar, High Court of Mysore, forwarding a copy of order in Misc Case no 17 of 44-45 on the file of the Dt Judge, Mysore District, for information of Govt

1) The Dt Judge has, in the course of the order, made certain observations in regard to the irregularities committed in the conduct of the Town Municipal Election, Hunsur. On account of the defects and irregularities mentioned in the order, the election was set aside, and the order setting aside the election was also confirmed on appeal by the High Court. Submitted for perusal before transferring to the L S G Br.

SS
31/3/45
21/4/45

2) If necessary action may

Asst Secy
LSG
4/

3/
1945

6618

3) [illegible]

4) The facts of the case are very simple. The petitioner Dr H S Narayana Setty, Hunsur, under S 20 of the Mysore City Municipalities Act, 1933 filed a petition in the Dist Court, Mysore, praying for the recounting & scrutiny of votes polled

6618 2

with due care, with the
result that the names of dead
persons were retained on the
lists of dead persons as proprietors
to be given
through these facts were brought to the notice
of the Returning Officer, no action was
taken by him / under the Electoral
Rules, as framed by the Govt for being
observed & got to be treated with
indifference & ignored altogether. Hence
a fit case — where the explanation of
the concerned Officer requires to be called
for for taking suitable
disciplinary action. Forwarded

Lawson 27/12/47

2/ This may be closed

29

3/ Copy of the fact may be
sent to Nicobar for necessary
immediate action.

Mukerji 28/12

CT CT JTR
FRLSG&PH
Date 28.4.48
A 8711

28/12
11/1 Dte

12/ Sft letter 9 sets
11/1 Dte

6618/L 13-2-97/L F.

13/ [illegible]

14/ [illegible]

15/ [illegible]

16/ [illegible]

17/ [illegible]

18/ [illegible]

19/ Subject -

Mr H S. Nanayama [illegible] as a member

3297/L Bye-election in the Hurstmere Town M.C.

Vacancy caused consequent to the removal of one Mr Thomas Hurstmere previously elected to the M.C. in the general elections held for the reconstitution of the M.C., as per orders passed by the High Court in the matter.

C.I.C. FOR AGRICULTURE DEC 3 1940 No 3482

3454/12

+J

20) A draft notification is put up affirming the election of Mr Thomas duly under section 16 of the T.P. Act, 1933

21) The D.C. proposes to send the explanation of the concerned officer for the non-observance of rules during the previous election as already called for - Ref para 10 supra

23) This should not be lost sight of & time within which the prescribed report obtained

Ref paras 9, 10 & 11 supra

22) May be approved

3/12/45

This has been attended to

7/12/45

24) Election is in order & may be approved

Minister for Agri 1/12

TYPING SECTION 7 DEC 1945 CON & REV SECTT

25) 2/12

26) Done 7/12/45

3297 3297/5-7975.
Bye-election for the House of

General and Revenue Secretariat — File No 44 of 1944 — [App F III-2

| Serial No | |
|---|---|
| | To, the Secretary, Govt of Mysore
To, the D-C Bangalore
2 5458 & 18-5-46
calls for a rept |
| Sent 2 | Letter No Do 3201/44-45 & 1-5-46 from the Dy Commr, Mysore Dt. forwarding a report in the matter |
| VI | The report received from the Dy Commr Mysore Dt is submitted for perusal |
| VI | The Dy Commr states that as fresh elections have been held and the result notified, the question may be dropped. |
| VI | The explan of the Returning Officer Mr K Narasimha Iyengar has also been enclosed & it is reported that the officer died since giving his explan |
| A | which with reference to para 2 & 3 supra |
| 14/5 | is submitted |
| | 3. In view of A supra, no action is called for. Refer para 2 & 3 supra |
| B 16/5/46 | Revenue Secy's note 14/5/46 |
| | 15/5 |

NOTE—Contn Sheet

File No of 194

General and Revenue Secretariat

Serial No

7582/44

R O C
D Dis No 309/9

**HIGH COURT OF MYSORE**
**Public Office Buildings Cubbon Park**

*Bangalore* 10 arch 1945

HC 44-44-17

29-7-1944

FROM

N SALAITNGAR, Esq , B A , LL B ,
*Registrar High Court of Mysore*

To

NARAYANASWAMY NAIDU, Esq , B A , B L ,
Legal Remembrancer and
Secretary to Government,
Law Department, BANGALORE

13/7

SIR

I am directed to forward herewith for the information of Government a copy of judgment in His case No 17/44-45 on the file of the District Judge, Mysore received in this court for reference in M P 40/14-45 on the file of this court in the course of which the District Judge of Mysore has made certain observations concerning the several irregularities committed in the conduct of the election in question justifying the setting aside of the same, and to state that the miscellaneous appeal filed in the High Court has also been dismissed

I have the honour to be,
S i r,
Your most obedient servant,

N Samaingm
REGISTRAR

DA/-

Appendix F G—1]

SUBJECT Hindu Dharma Mandal Election held on 29-7-1944

Section M/L
File No 44-44
Serial No 18

*Diary No. of letter replied to*

General and Revenue Secretariat

( )

the 194

Date of issue 18/5/45

Signed by

P.I. Secretary

No L-1125

To

The Dy Registrar Dharma Dharma

Sir,

I am directed to forward herewith a copy of the judgement of the Dist Court, Bijapur, on the above subject, and to request you to instruct the President, Hindu Dharma Mandal to take action for holding a fresh election to fill up the place of the respondent as above without delay.

I am to observe that the Court has dismissed the petition on the ground that the Case was due to the fact that the electoral roll was not prepared with due Care and the result that the names of dead persons

1 Copy of the judgment may be got typed at the original Court from where it returned to us. We very early

List of enclosures

Copied by

Examined by

WD 0741—GPB—15 CO.—30 10-44

were retained in it & the votes of dead
persons are ~~rejected~~ stated to have been cast, like given. Others
Strange that even though these facts were
brought to the notice of the Returning Officer
no action was taken by him and the provisions of
Rule 25 of
the ~~Conduct~~ Election Rules ~~were~~ not followed at all.
the irregularities brought to the notice of the concerned officers that the
Rules are framed by the Govt for being observed
& not to be treated with indifference & ignored
altogether and they

~~Do not add That in a fit case~~

where ~~the explanation of the Concerned Officers~~
~~respective~~ may be obtained & submitted for the
orders of Govt before the end of May 1945

Thanks

from

D L Lecturer

16/5

REVENUE & REHABILITATION DEPARTMENT
2975
10 MAY 1946
L S G BRANCH

OFFICE OF THE DEPUTY COMMISSIONER,
Mysore District,
Mysore dated the 1st May 1946

No D3 3201 of 44-5
Encl

ml 44-14-

From

C H RAMACHA SINGH, Esq , B A ,
Deputy Commissioner, Mysore
District, M y s o r e

To

J B MALLARADYA, Esq , M A ,
Secretary to Government,
Revenue Department, Bangalore

Sir,

Irregularities in the Municipal Bye-election held on 29-7-44 at Nunsur - explanation of the Returning officer

---

Adverting to para 2 of your letter No R 11257 p 1 44-44-8 dated 18th May 1945 (Law Department) and in continuation of my letter No D3 3201 of 44-45 dated 6-11-1945 reporting on the subject of fresh election held as per instructions conveyed in para 1 of the letter adverted to, I have the honour to forward herewith the explanation submitted by the Returning Officer Mr K Narasimhamurthy (now deceased)

It is stated that the voters' list was not revised with all possible care in the circumstances then existed and all possible precautions had been taken to prevent any person being voted in place of the dead It is further said that the attention of the polling officer (who was the Range Forest officer) was immediately drawn to rule 35 (iv) of the Election Rules which empowered him to disallow voting if there was any doubt about the candidates' identity and the irregularity was brought to his notice and panchayet also had been appointed to assist the polling officer

In the circumstances, It is pleaded that he may not be held responsible This officer is also ascertained to have died since the explanation

If fresh elections have been held and the result notified, the question may be dropped

I have

the result notified, the question may be dropped

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER,
Mysore District

ms/

Office of the Tahsildar
Hunsur Taluk
Hunsur
Dated 23 & 30.6.45

From

The Tahsildar,
Hunsur Taluk
Hunsur

9983

To

The Deputy Commissioner,
Mysore District
Mysore

Rc 4 taluks varavaniges in 4/46 BMD

Memo No 34/45-46

Sir,

With reference to your D.O. letter No D3 CP 3201/44-45 R No 819/44-45 dated 15 June 1945 Calling for my explanation as to why the provisions of Rule 25 of the Town Municipal Electoral rules were not followed by me in revising General elections of Division No 3 of the Hunsur Town Municipality, I beg to submit as follows

The electoral rolls prepared for the General Elections were got prepared on the bases of the Municipal ledgers, care having been taken to omit the names of dead khatedars in the voters list as far as possible There was practically no clerk or the bill Collector working at the time who had the local knowledge of the people or the khatedars in the Town In revising the voters list with the aid of Municipal Council the question was particularly considered and the names of the dead persons were deleted from the voters list as far as Municipal Councillors could furnish information

On this count for conducting the election
Mr Nagamallaiah Forest Range Officer has
been appointed as Polling Officer in the above
division by the Deputy Commissioner On the
day of election it was brought to my notice
by some candidates that in place of certain
dead persons attempts are being made to cause
other persons to pass off as voters I immediately
met the polling officer concerned and duly
informed him about the complaint I received
with reference to particular voters and drew his
attention to Rule 25(iv) of the election rules which
empowers him to disallow them if he doubts their
identity There were the panchayatdars also
appointed to assist the polling officer in this respect
and they had also been duly instructed in the
matter Thus I had taken all precautions as
Returning Officer to prevent any person in
place of dead persons I was not the polling
officer at the time of election and the Range Forest
Officer was the polling officer

I beg to request that in the above circumstances
I may not be kindly held responsible if the
Polling Officer did not use his discretion properly
in conducting the election

I beg to remain,
Your most obedient servant,
D Narasimha Gowda
Asst Director
29/11/67 Horticulture Dept

In the Court of the District Judge, Mysore Division,

M Y S O R E

Dated, the 23rd day of December 1944

Present

R Verkataramaiya, Esq , M A , LL B ,

District Judge

Miscellaneous Case No 17 of 1944-45

Petitioner - H S Narayana Setty, aged about 28 years son of Sanjeevasetty, Vaisya by caste, Merchant, residing at Hunsur

vs

Pespondent - Mahamed Hussain alias Sabjan Sab, son of Razack Sab, aged about 50 years old, land holder, residing at Hunsur

This is an application filed by the petitioner under Section 20 of the Town Municipal Act praying that the Town Municipal Election of the respondent held on 29-7-44 from Block No III at Hunsur may be set aside and the petitioner be declared duly elected in his stead

This application was filed on 1-8-44 The objections of the respondent was filed on 20-10-44

The case came on for final hearing to 16-12-44 on which date the arguments were heard in part and posted for further arguments to 23-12-44 on which date further arguments were heard and the following order was passed

The

The list of witnesses examined and the list of documents exhibited in the case are filed separately

ORDER

This is a petition filed under section 20 of the Town Municipalities Act seeking scrutiny and computation of the votes polled at the election held on 29-7-44 of members for the Town Municipal Council, Hunsur, from the III Block in the Town Constituency and also for setting aside the election of the respondent and declaring the petitioner to be duly elected in his stead

2 The petitioner, respondent and two others ~~were~~ were candidates for election from the IIIrd Block in Hunsur Municipality Two members had to be elected and at the election held on 29-7-44, of the four candidates who contested one Seetharamiah who secured 63 votes and the respondent who secured 53 votes, were declared to be duly elected, the petitioner scored only 51 votes The grounds alleged by the petitioner for the reliefs sought by him as mentioned in the petition are

That the election is vitiated by corrupt ~~xxxxx~~ practice having been committed by the respondent at the election and by certain irregularities

The facts relating to these accusations briefly are -

That persons whose names are entered against numbers 32, 67, 68 and 69 in the Voters' List of the IIIrd Block did not vote but that others were induced to vote in their stead In addition to this, it is alleged that persons ~~named~~ named in the list against numbers 60, 61, 66, 126 and 133 are dead and that the respondent, knowing that these are not alive, caused other persons to pass off, as these persons and vote for him The respondent, without categorically or expressly denying the truth of these allegations did not admit the truth of the same He repudiated the charge of being guilty of corrupt practice As regards the allegation about the death of the persons alleged in the petition, he stated that he was not aware of their death Besides controverting the allegations about false personation, the respondent attributed to the petitioner the act of securing votes of persons numbered ~~65~~ 65, 51 and 94 by means of false personation of others as also that of causing persons to act for four who were dead, namely, persons numbered 31, 33, 48 and 72. He also contended that even if there should be a re-counting and scrutiny the majority of votes would be found to be in his favour He finally pressed for the dismissal of the petition on the additional ground that it is not maintainable in view of the omission of the other candidates not being parties to the case

3 A number of witnesses have been examined on either side to prove and disprove the respective contentions of the parties At the time of argument, after a discussion of the evidence bearing on the case, the respondent's counsel Mr Khalilulla conceded that one vote of the person shown as No 32 in the Voters' list Ex B is not valid and that after excluding three votes recorded in petitioner's favour, the remaining number of 48 may be taken to be the total number of votes polled by the petitioner at the election From this, the total number of votes to be reckoned in favour of the petitioner ~~xxxxxx~~ would be 48 and that in favour of the respondent 52 Messrs Nanjappa and Subba Rao who represent the petitioner contend that it is conclusively established from the evidence that more than the number of votes in difference between the parties and in favour of Respordent are to be held to be irvalid and if that is so, the respordent must be unseated and the petitioner elected Before dealing with this it is well to examine certain features of the election proceedings relating to this case

4 Exhibit B is the printed list of Voters published in Kanarese It appears to have been based on an original list in manuscript marked Exhibit C Exhibit C shows that after the list of names was originally written up, several additions of names written in red ink, were inserted therein There is no clear

description of the names by mention of the name of the father, age or other particulars to fix the identity of the xx individual who had to vote The counterfoils of the ballet paper, which, according to the rules, are to be signed by the voter, are left blank, at least, several of them do not bear the signature xx or thumb mark of ary individual In another case relating to the election of this Municipality which was recently disposed of in Miscellaneous Case No 27 of 44-45 the same irregularity was noticed The evidence in the case proves that on the very date of the election the petitioner pointed out to the Amildar who is the Peturning Officer, that persons not entitled to vote were exercising the right to vote Exhibits H and H 1 are petitions in which even before the close of the voting, irregularities were brought to the notice of the Returnirg Officer by the petitioner P W 1 is the person who was deputed to issue the identification slips He admits that neither the Patel nor the Shanbhogue of the place was present and that he himself was new to the place It is elicited from him that the petitioner lodged his protest at the time certain persons wanted to vote to the effect that they were not eligible or competent to vote and that he merely asked the petitioner to approach the Amildar When, in pursuance of this, the petitioner filed the petition Exhibit H at 10-15 A M as noted thereon and renewed his grievance later

in the day at 3-30 P M as noted in Exhibit H 1 expressly pointing to the fact that votes of dead persons are professed to be given, it is surprising that no action was taken or enquiry made forthwith The Amildar has not been examined in the case As such, I refrain from further comments about this strange attitude on the part of those who had to conduct the elections

P W 2 as a clerk of the Municipality who speaks to the preparation of the Voters' list Exhibit B P W 3 is the Bill Collector, who, besides testifying to the preparation of the original list of Voters Exhibit C, states that according to his information, three of the persons in the Voters' list bearing Nos 60, 61 and 62 are dead He also speaks to the issue of mortuary extracts Exhibits G, G 1 and G 2 relating to the death of persons alleged to be voters numbers 126, 129 and 62 respectively

The evidence of P W 4 is important His name, according to that given by him at the time his deposition was recorded in Court is "Annappa, son of Govindappa" He voted in favour of the respondent as per Exhibit D 1 the counterfoil of which Exhibit D 2 is admittedly signed by him He appears to have been treated as Voter No 32 in Exhibit B The name given in Exhibit B is "Venkata Rao, son of Annaji Rao" against No 32 Manifestly, he is a person who is not entitled to vote and his vote is fairly conceded by the respondent's

counsel to be not valid This witness also testifies to the fact that Ismail Sab alleged to be the voter No 133 and Muhammad Ghouse alleged to be the voter No 69 as well as Gulam Dastagir, Voter No 68 are dead

P W 5, the shanbhogue and an old man of 65 years also states that Gulam Dastagir is dead To prove the death of this Gulam Dastagir, a document marked Exhibit E dated 21-6-42 in which there is reference to the death of Dastagir, son of Ragi Sattar has been produced In Exhibit B voter No 68 is described as "Dastagir, son of Abdul Sattar" There can be no doubt that Dastagir is dead as besides the recital about it, his widow has attested the document underneath the same P W 10, the scribe of Exhibit E, corroborates this fact

P W 6, who is a clerk in the Education Office, speaks to the death of Mastan Sab who xx is alleged to be voter No 126 He also adds that there is no other Mastan Sab in Lalband Street The description of Voter No 126 in Exhibit B is "Mastan Sab, residing in Lalband Street " Exhibit F is a registered document It bears an endorsement dated 29-3-36 by the widow of Mastan Sab P W 7 a resident in Lal Band Street of Hunsur Town states that persons alleged to be voters Nos 69, 133 and 126

are dead and that voter No 60 left Hunsur twelve years back

P W 8 is one Rachiah, son of Ningiah, who has voted for the respondent as per Exhibit D 3 and has signed the counterfoil Exhibit D 4 He is said to have been taken to be voter No 28 according to Exhibit B, but the description in Exhibit is the reverse of that in court The witness is described an Exhibit B as "Lingiah, son of Rachiah" The witness states that his father died twerty years ago

P W 9 is the petitioner himself Besides supporting the allegations in the petition he states that voter No 128 is disqualified from voting by virtue of the case Execution Case No 607/42-43 by the Municipality against her

The respordent has examined some witnesses to speak to the fact that the persons alleged to be dead are living and produced in Court some of them

5 The lack of proper description in Exhibit B about voters affords considerable scope and facility for impersonation From this alone, it is not reasonable to assume that impersonation has been practised As a matter of fact, from the mortuary extracts Exhibit G series and the evidence in the case, there can be no doubt that some persons whose

names correspond with those in Exhibit B are not all alive This, by itself, is not however, sufficient to hold that the voters, as mentioned in Exhibit B, are dead The evidence of some witnesses goes to show and it is not also uncommon - that many persons may bear the same name These things apart, there is unmistakable proof to reach a conclusion at least with regard to some irregularities The votes recorded by ~~P.W.~~ PW 4 and 8, must be regarded as invalid and unauthorised as their names on their own showing, do not correspond with voters Nos 32, and 28 in Exhibit B In addition to this, the vote of the person mentioned as "129" must also be held to be invalid The petitioner has adduced some evidence to show that this person or a person answering his description, is not, as a matter of fact, alive The respondent has examined one witness R W 5 who asserts that he is the voter No 129 Even assuming it to be so his vote must be held to be invalid for the reason that the counterfoil has not been signed by him or even bear his thumb mark Rule 25 of the Rules framed under the Town Municipalities' Act, Sub Clause (4) states

> "The polling officer shall dispose of any objections raised by candidates and, when satisfied that the intending voter is entitled to vote and has not yet voted, shall initial the foil of a voting paper and, after taking the voter's signature or mark on the counterfoil

give the foil to the voter and admit him to the polling room "

As already mentioned, this rule has been completely ignored in this case The objections raised by the candidates have been neglected No attempt was made by the Polling Officer to satisfy himself about the objection being tenable or the intending voter being entitled to vote Inspite of the mandatory provision for taking the signature or mark on the counterfoil, it has been omitted It is needless to point out that the omission or laches in complying with the provisions contained in the rules has occasioned justifiable criticism as well as injustice

R W 5's signature or mark not having been obtained on the counterfoil, his vote in favour of the respondent has to be discarded The person named as No 51 in Exhibit B has exercised his vote in favour of the respondent In the objection statement filed by the respondent it is alleged in paragraph (4) that she did not vote but xkxxsxxiixgxdxxx some one else voted for her This vote has therefore to be left out of account as it is not that of the person who was entitled to vote on the very allegation of the respondent

As regards No 133 in Exhibit B, there is the evidence of R W 7 himself to show that he was not alive on the date of the election As a result of these, four votes secured by the respondent, namely, 28, 51, 129 and

and 133 are to be discarded, besides the one conceded by the respondent's counsel This would reduce the total number of votes secured by him to 48 and make it equal to the number which, in the light of respondent's objections, may be taken as secured by the petitioner, and regarded as valid

6 The next question and the question which determines the petitioner's claim for being elected after unseating the respondent, is whether there is sufficient and proper evidence to further reduce the number of votes secured by the respondent In view of the respondent's attempt to prove the existence of persons alleged by petitioner to be dead petitioner's Counsel emphatically stressed upon the lack of evidence about ~~the~~ one "Mastan Sab" No 126 in Exhibit B Respondent has not let in evidence of any one except his own in regard to this alleged voter being now alive P W 6 stated in clear terms that Mastan Sab, Voter No 126, is not alive and there is no other person of that name in Lal Band Street The description in Exhibit B against Voter No 126 is "Mastan Sab, Lal Band Street " The description in the document Exhibit F which has been relied upon by the petitioner to show that this person is no more is of one Sheik Masthan Respondent states in his evidence voter No 126 is not the person described in Exhibit F as the son of Abdul Rahiman but a person who is the son of Allavuddin The respondent stated that he is a Muthuvalli of the mosque and the Yejmai

of his community P W 6 is a clerk of the Education Office, aged 21 years, and of the Vokkaligar community It is not apparent whether he is a native of Hunsur He is not aware as to how many persons of the name of "Mastan" are in Hunsur and whether they are voters The witness does not appear to have had any means or occasion for knowing persons of the Mussalman community bearing the particular name

7 For these reasons, although I am satisfied that the petitioner's contentions are largely justified and the grievance about the irregularities of the elections is well founded, I am unable to conclude there is definite and enough evidence to consider that the respondent is guilty of corrupt practice or that any useful purpose would be served by a scrutiny and computation of the votes secured by the parties Some of the votes taken into account are obviously invalid and it is also clear that some have wrongly been allowed to vote therefore set aside the election of the respondent and direct that a fresh election be held after complying with all necessary formalities and in accordarce with the provisions contained in the Act and the Rules This is a fit case, in my opinion, in which the respondent shall bear the petitioner's costs as the evidence in the case points to the fact that it was at his instance that several of the voters exercised the votes and that he brought many of them to the polling

station and got them identification slips It has also to be remembered that the respondent contended that the election was valid and sought for the dismissal of the petition If his attitude was one of frankly conceding that there were irregularities at the beginning, the petitioner would have been relieved of the cost and trouble entailed on him in adducing a large volume of evidence to substantiate the allegations, Pleader's fee is fixed at Rs 25/-

Dictated to the Stenographer in open Court and pronounced on the 23rd day of December 1944

Sd/- R Venkataramaiya,
District Judge,
23-12-44

---

"Copy"
R Samasundaram
Registrar

BCR/2

44-45-7

No D3 C 3201/44-45

Office of the Deputy Commissioner,
Mysore District
Mysore, dated 6th November 1944

(2+1) LJ copy

From
C H H Ranavodha Singh, Esq , B A ,
Deputy Commissioner, Mysore District,
Mysore

To
J B Narasimharadhya, Esq , I A ,
Additional Secretary to Government,
Bangalore

ADDITIONAL SECRETARY No 8/11 Date 8/11 GOVERNMENT (Y.)

Subject -Re-election to fill up a vacancy in the Hunsur Town Municipal Council

Adverting to your letter No L 11257/LL 44-44-15 dated the 10th July 1945 forwarding a copy of the Judgment delivered by the District Judge, Mysore Division in Miscellaneous case No 17 of 1944-45 and directing to hold a fresh election in order to fill up the place of the respondent, I have the honour to state that the Amildar, Hunsur taluk who was the Returning officer had been directed to hold a fresh election as directed by Government

He has reported in his letter No H C 53/45-6 dated the 5th October 1945 that a fresh election to fill up the said vacancy has been held on the 4th October 1945 in accordance with the calender of events published in this behalf, and that Messrs H S Narayana Setty and Mohammad Hussain alias Sibian Sab contested the election in which out of 99 votes polled one was invalid and that the former candidate secured 52, while the latter secured only 48 The Municipal Council who met at their special meeting held on the 5th October 1945 have declared that Mr H S Narayana Setty who secured the highest number of votes is duly elected No objection application seems to have been filed before the District Judge, Mysore ~~grant~~ regarding the validity of the election proceedings, and the prescribed period of 15 days has elapsed from the date of election I, therefore, ~~I~~ request you kindly to order the issue of a notification in the Mysore Gazette declaring Mr H S Narayana Setty as the duly elected candidate for the remaining term of the Municipal Council which has been reconstituted for a period of three years with effect from 1st October 1944 in accordance with Government notification No L 20/LL 44-45-6 Camp, Mysore dated 26th September 1945

The report of the Returning officer, in original and a copy of the Municipal meeting proceedings recorded on 1-10-45 are enclosed herewith for reference The Judgment copy in original is also returned herewith ~~in original~~ The explanation of the Returning officer for his lapses in not observing the prescribed rules will be sent separately

I have the honour to be
Sir
Your most obedient servant

Deputy Commissioner
Mysore District

TL 44-45-8

Abd

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

13 copies

Dated Bangalore _____ 194_

No L 64557/ 18-12-45

## NOTIFICATION

Under Section 16 of the Mysore Town Municipalities Act 1933 as amended from time to time and the rules framed thereunder Mr H S Narayana Setty is elected as a member of the Hunsur Town Municipal Council ~~vice~~ in an existing Vacancy

By Order

for Rw 1/12/45
Secretary to Government
~~Law Department~~

To--The Compiler Mysore Gazette for publication with Part III-1 of the Gazette

MEMO 25456

Copy of the above is forwarded with compliments to the Deputy Commissioner, Mysore District with reference to his letter No D3-C-3201/46 dated 6-11-45

2 The records accompany

3) No objections if any received should be submitted for this Govt in this respect by the end of December

By Order

for Rw
Secretary to Government
~~Law Department~~